

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3389 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAFALIA VALLABHBHAI DEVRAJBHAITHROUGH P.O.A. HOLDER

Versus

STATE OF GUJARAT

Appearance:

MR BN KAKADIYA for Petitioner
MR VB GHARANIA, AGP for Respondent No. 1 and 2
MR SN THAKKAR for Respondent No. 3
MR HB SHAH for Respondent No. 4

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 24/08/98

ORAL JUDGEMENT

1. The petitioner has filed this petition against the impugned order dated 31/12/1997 rendered by the learned City Deputy Collector in Electricity Case No. 24 of 1997. It appears that the petitioner moved such authority for getting electricity connection by virtue of the provision contained in sec. 23 A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (for short 'the Rent Act'). The respondent no.3 landlady objected to the grant of such electric connection on

number of grounds inter-alia on the ground that a suit for recovery of possession is pending before the Ahmedabad Small Causes Court against the petitioner. The concerned authority, finding that there was a proceeding between the landlady and tenant pending before the rent Court, did not grant the application. The petitioner has, therefore, subjected the order of the learned City Deputy Collector to challenge in this writ petition.

2. The respondent no.3 has filed affidavit-in-reply asserting the facts with regard to the pending litigation between the parties before the rent Court. Reference has also been made to a decision of this Court in Gadhvi Jitendra v/s. B.K. Thakkar reported in 35-2 1994(2) G.L.R. 1053 where a Division Bench of this Court has observed that an order u/S. 23 A of the Rent Act is subject to revisional jurisdiction u/S. 29(3) of the said Act.

3. This petition is at an early stage and since alternative remedy is available to the petitioner it would not be just and proper to entertain this petition. It will be open to the petitioner to file such a revision application and if there is any delay, the petitioner may pray for condonation thereof on the ground of pendency of this petition. However, no indulgence can be shown to the petitioner when attention of this Court is drawn to the aforesaid decision of the Division Bench of this Court. Hence, this petition is rejected. Rule discharged with no order as to cost.

PVR** sca338998j. * * *